

REMARKS

This responds to the Office Action mailed on December 24, 2008.

Claims 1, 3, 9-10, 14-15, 18 and 23-28 are amended, claims 11-13, 19-21 and 29-30 are canceled without prejudice or disclaimer, and no claims are added; as a result, claims 1-10, 14-18 and 22-28 remain pending in this application. Support for the amendments may be found throughout the specification, and at least from page 12, line 15 to page 15, line 23. Applicant respectfully submits that no new matter has been introduced with the amendments.

§ 103 Rejection of the Claims

Claims 1-2, 4-8, 14, 16-17, 23-24, and 26 were rejected under 35 U.S.C. § 103(a) as being obvious over Sezan et al. (U.S. 6,236,395) in view of Kim et al. (U.S. 2005/0183121).

Claims 3, 15, and 25 were rejected under 35 U.S.C. § 103(a) as being obvious over Sezan et al. (U.S. 6,236,395) in view of Kim et al. (U.S. 2005/0183121), and further in view of Begeja et al. (U.S. 2004/0025180).

Claims 9-13, 18-22, and 27-30 were rejected under 35 U.S.C. § 103(a) as being obvious over Sezan et al. (U.S. 6,236,395) in view of Kim et al. (U.S. 2005/0183121), and further in view of Gutta et al. (U.S. 2003/0163816).

Claims 11-13, 19-21 and 29-30 have been canceled, therefore the rejection of these claims is believed moot.

The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)).

Applicant respectfully submits that there are differences between the claims as amended and the cited references, therefore the claims are not obvious in view of the cited references.

For example, claim 1 as amended recites "receiving a weight value associated with each characteristic of the plurality of cues." Claims 14 and 23 as amended recite similar language. Applicant has reviewed Sezan, Kim, Begeja and Gutta and find no teaching or suggestion of receiving a weight value associated with each characteristic of a plurality of cues (e.g., video, text, audio characteristics). Begeja does disclose calculating a weight, however the weight is an overall relevance weighting used to determine "metadata from the most relevant video clips." (see e.g., paragraph [0105]). None of the cited references teach or suggest assigning individual weights to characteristics.

Claims 1, 14 and 23 also recite determining a weighted score in accordance with the match score and the associated weight value for each of each characteristic of the plurality of cues. Because none of Sezan, Kim, Begeja or Gutta teach or suggest the use of weighted characteristics, they cannot teach or suggest using a match score and the associated weight value for each characteristic of a plurality of cues to determine an overall weighted score.

In view of the above, claims 1, 14 and 23 recite multiple elements that are not found in any of Sezan, Kim, Begeja or Gutta. Thus there are differences between the cited references and any combination of Sezan, Kim, Begeja or Gutta. Therefore claims 1, 14 and 23 are not obvious

in view of any combination of Sezan, Kim, Begeja or Gutta. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 14 and 23.

Claims 2-10 depend either directly or indirectly from claim 1; claims 15-18 and 22 depend either directly or indirectly from claim 14; and claims 24-28 depend either directly or indirectly from claim 23. These dependent claims are therefore not obvious for at least the reasons discussed above regarding their respective base claims 1, 14 and 23. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 2-10, 15-18, 22 and 24-28.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 371-2103 to facilitate prosecution of this application.

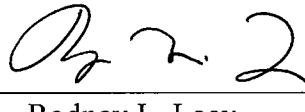
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Respectfully submitted,

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Date June 24, 2009

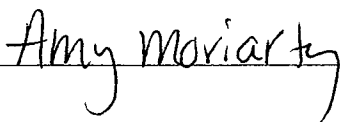
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